

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:
Ramona Taylor Kamate
Debtor.

Chapter 7
Case No: 15-55964
Judge Thomas J. Tucker

**MEMORANDUM SUPPLEMENTING THE COURT'S BENCH OPINION
OF JUNE 22, 2016, REGARDING THE MOTION BY DMP HOLDINGS, LLC
FOR RELIEF FROM THE AUTOMATIC STAY**

Movant, DMP Holdings, LLC filed a Renewed Motion for Relief from the Automatic Stay with respect to the real property located at 20873 Finley, Clinton Township, MI 48035 (the "Property") (Docket # 62, the "Motion"). The Debtor filed an objection to the Motion, and the Court held a hearing on June 22, 2016. During the hearing, the Court gave a bench opinion, announcing and explaining the reasons for the Court's ruling on the Motion. Later that same day, the Court entered its Order granting the Motion (Docket # 73).

As promised during the June 22, 2016 hearing and bench opinion, the Court now supplements its bench opinion regarding the Motion, with the following citations to authority.

1. *See Simon v. JP Morgan Chase Bank (In re Lebbos)*, 455 B.R. 607, 615 (Bankr., E.D. Mich. 2011)(in ruling on a motion for relief from stay under Bankruptcy Code § 362(d), the court's determination regarding a creditor's interest in the property is "narrowly limited to whether a creditor has a colorable claim against property of the estate")(citations omitted); *see also In re Lemaire*, 2012 W.L. 3841295 at *7 (E.D. Mich. 2012)(agreeing with *Lebbos's* "colorable claim" standard)(citations omitted).
2. *Cf. In re Werbinski*, 271 B.R. 514, 517 (Bankr., E.D. Mich. 2001)(an automatic/deemed rejection of an unexpired lease under Bankruptcy Code § 365(d)(1) "effects an abandonment of the lease to the debtor")(citations omitted).

Signed on June 22, 2016

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge